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TC 1700

LC-396/US

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Donald J. Giroux, et al) Examiner: S. D. Maki
: :
Application No.: 09/734,477) Group Art Unit: 1733
: :
Filed: December 11, 2000) Confirmation No. 5126
: :
For: TWO PART, ROOM)
TEMPERATURE CURABLE EPOXY:
RESIN/(METH)ACRYLATE)
COMPOSITIONS WITH HIGH :
FLASH POINT AND LOW ODOR,)
REACTION PRODUCTS OF :
PRODUCTS OF WHICH)
DEMONSTRATE IMPROVED :
FIXTURE TIME) August 25, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Petitions

**PETITION REQUESTING WITHDRAWAL OF
ERRONEOUS NOTICE OF ABANDONMENT**

Sir:

Applicants have received a Notice of Abandonment mailed July 29, 2003 (Paper No. 9), in the above-identified application, a copy of which is attached as Tab 1. The Notice of Abandonment indicates that Applicants failed to respond to an Office Action mailed on December 4, 2002.

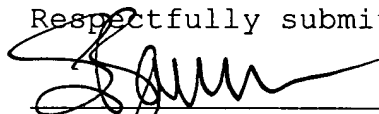
As shown by the accompanying Declaration of Patricia J. Parker, Applicants did not receive that Office Action.

As such, Applicants respectfully request that the resulting Notice of Abandonment be withdrawn and that Applicants then be given an opportunity to respond to the Action.

In view of the above, it is respectfully requested that any fees which may be due in connection with this Petition be waived. Nevertheless, should it be determined that such fees are in fact due, the Commission is hereby expressly authorized to charge any such fees to Deposit Account No. 12-2135. A duplicate copy of this Petition is enclosed herewith for that purpose.

Applicants' undersigned attorney may be reached by telephone at 860.571.5001 or by facsimile at 860.571.5028. All correspondence should continue to be directed to the address given below.

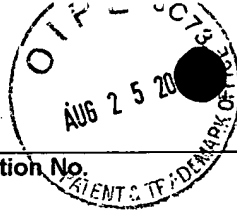
Respectfully submitted,



Steven C. Bauman
Attorney for Applicants
Registration No. 33,832

Henkel Loctite Corporation
Legal Department
1001 Trout Brook Crossing
Rocky Hill, CT 06067

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mk-9

Notice of Abandonment

Application No.

09/734,477

Examiner

Steven D. Maki

Applicant(s)

GIROUX ET AL.

Art Unit


1733

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AUG 28 2003
TO
PTOL-1700

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 December 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


STEVEN D. MAKI 7-26-03
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.